

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of  
ALFRED GARNEY, M.D.,  
Respondent,  
and

Case No. D-1093

In the Matter of the Request for  
Reinstatement under Section 2416  
of the Business and Professions  
Code of

BBP-8238

ALFRED GARNEY, M.D.,  
Respondent.

DECISION

The above entitled matter having been considered for  
the purpose of hearing, come on regularly before the Board of Medical  
Examiners of the State of California and Paul A. Wilson, Hearing  
Officer of the Office of Administrative Procedure, presiding, on  
June 9, 1959, at San Francisco, California. Donald H. Kagon, Deputy  
Attorney General, represented the Board. The respondent was present  
and was represented by Michael Sennis, attorney. Evidence both oral  
and documentary was introduced, the matter submitted, and the Board,  
after due consideration, now makes the following Findings of Fact:

X

It is true that on or about the 21st day of September, 1951,  
respondent, Alfred Garney, was issued a Physician's and Surgeon's  
Certificate, No. A-14402, by the Board of Medical Examiners of the  
State of California authorizing him to practice medicine and surgery

That on or about September 17, 1965, in the matter then pending in the Superior Court of the State of California, in and for the County of Orange, entitled "The People of the State of California vs. Alfred Carnoy," No. C-13517, respondent upon a plea of not guilty and after a jury trial was convicted by verdict of guilty of the felony offense of violation of section 11170 of the Health and Safety Code of five counts, to wit: That said respondent did wilfully, unlawfully and feloniously obtain a narcotic, named, by fraud, deceit, misrepresentation, and subterfuge.

On October 21, 1965, criminal proceedings were suspended and narcotics addiction proceedings under section 3051 of the Welfare and Institutions Code were initiated. On January 17, 1966, the court found that respondent was not a narcotics addict within the meaning of the law and not in imminent danger of becoming one, and criminal proceedings were reinstated. Proceedings were then instituted under section 1360 of the Penal Code. On February 17, 1966, the court found the respondent presently insane and suspending the criminal proceedings. The court ordered respondent committed to the Azusa State Hospital for care and treatment until he became sane. On September 30, 1966, the superintendent and medical doctor of Azusa State Hospital, pursuant to the provisions of section 1372 of the Penal Code, certified that the respondent was sane in that he was able to understand the nature of the proceedings against him and cooperate with his attorney in his own defense. On October 7, 1966, respondent was ordered discharged to court. On November 13, 1966, judgment was entered sentence only; respondent to the same portion for the time permitted by law.

petition to have fact of insuperation to mental capacity judicially determined filed in the Superior Court of the State of California In and for Orange County, set down, on June 19, 1967, in Case No. A-53947, ruled as follows, "Dr. Gunter no longer incompetent."

IV

Respondent has requested that his entitlement to practice as a physician and surgeon in the State of California be reinstated under section 2416 of the Business and Professions Code.

V

Respondent introduced evidence which established the following:

1. Respondent is 46 years of age. He was engaged in the practice of medicine in Orange County from 1931 - 1965.
2. Following his conviction as not being in finding in above respondent was incarcerated in a penal institution from November, 1966 until November 22, 1968, at which time he was released on parole. Respondent will be on parole status until November of 1972.
3. Respondent has not practiced medicine since 1965. He has continued to read various medical journals and periodicals to keep current.
4. Respondent presently attends a weekly groupency group. Respondent has not sought any professional help for mental illness since his release from custody.
5. Respondent has not used alcohol since 1965.

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Pursuant to the foregoing findings of fact, the Board now

and grounds to impose discipline against respondent and pursuant to the provisions of section 2361(f) and 2361(g) of the Business and Professions Code.

## II

Respondent has failed to establish that with due regard for the public interest his right to practice as a physician and surgeon may be safely reinstated, and grounds to deny his request to reinstate his certificate exist pursuant to the provisions of section 2416 of the Business and Professions Code.

\* \* \* \* \*

WHEREFORE, the Board of Medical Examiners now makes the following orders:

1. The certificate of Alfred Gandy, M.D., to practice as a physician and surgeon in the State of California to hereby revoked.
2. The request of Alfred Gandy, M.D., for reinstatement of his certificate to practice as a physician and surgeon in the State of California under section 2416 of the Business and Professions Code to hereby denied.
3. This decision shall become effective on the first day of July, 1969.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF CALIFORNIA

/S/ GEORGE DE L'ANDE, M.D.  
GEORGE DE L'ANDE, M.D.  
Secretary-Treasurer